

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Tyrone Maurice Arrington

Docket No. 5:09-CR-124-1BR

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tyrone Maurice Arrington, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on May 10, 2010, to the custody of the Bureau of Prisons for a term of 37 months. On April 8, 2011, as a result of a motion of the government for downward departure pursuant to Rule 35 of the Federal Rules of Criminal Procedure, the defendant's sentence was reduced to 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Tyrone Maurice Arrington was released from custody on August 19, 2011, at which time the term of supervised release commenced. On November 30, 2011, a Violation Report was submitted to the court advising that Arrington was charged in Rocky Mount, North Carolina, with Unauthorized Use of a Motor Vehicle, Hit/Run Property Damage, and No Operator's License. Additionally, he failed to notify the probation officer of these charges within 72 hours as required. The defendant denied guilt, was verbally reprimanded, instructed not to drive until properly licensed, and supervision was continued pending adjudication of these charges. These charges were voluntarily dismissed. On February 23, 2012, a DROPS Sanction Report to the Court was submitted advising that Arrington tested positive for marijuana on February 15, 2012, and he completed 2 days in jail. On August 31, 2012, a Violation Report was submitted to the court advising that the defendant was charged in Edgecombe County with Assault on a Female. The court agreed to continue supervision pending adjudication of this new charge, which still remains pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 9, 2012, the defendant was charged in Nash County, Rocky Mount, North Carolina, with Speeding, Reckless Driving to Endanger, No Operator's License, and Driving While Impaired (12CR5530 and 704995). Although these charges remain pending, Arrington admits guilt. The probation officer spoke with the charging officer, Trooper W.R. Bulluck of the North Carolina Highway Patrol and reviewed the charging documents. In summary, Arrington left a local night club in Rocky Mount after drinking, was clocked speeding 80 in a 45 mile-per-hour zone, immediately pulled over, blew a .13, and was cooperative with the officer. As a sanction, we are requesting that he be placed on home detention for a period of 120 days. Additionally, he will be referred for outpatient drug and alcohol treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 120 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: December 17, 2012

ORDER OF COURT

Considered and ordered this 19 day of December, 2012, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

